

**THE HONORABLE MARY JO HESTON  
CHAPTER 13  
HEARING DATE: April 9, 2019  
HEARING TIME: 1:00 P.M.  
LOCATION: Tacoma, Washington  
RESPONSE DATE: April 2, 2019**

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:  JAMES CALVIN MORRISON II and CINDY LEE MORRISON,  Debtors.	Case No.: 16-44542-MJH  NOTICE OF AND MOTION FOR DISMISSAL PURSUANT TO 11 U.S.C. § 1307(c)
---	---

## **NOTICE**

**YOU ARE HEREBY NOTIFIED** that a hearing on Trustee's Motion to Dismiss will be heard before the Honorable Mary Jo Heston at **1:00 P.M. on April 9, 2019**, at the U.S. Bankruptcy Courthouse, 1717 Pacific Avenue, Courtroom H, Tacoma, WA 98402.

**IF YOU OPPOSE** this motion, you must file your written response with the Court Clerk and deliver copies on the undersigned and all interested parties, NOT LATER THAN THE RESPONSE DATE, which is **April 2, 2019**. You should also appear at the time of hearing. If you fail to do so, the Court may enter an order granting the motion without any hearing and without further notice.

Michael G. Malaier  
Chapter 13 Standing Trustee  
2122 Commerce Street  
Tacoma, WA 98402  
(253) 572-6600

## **MOTION**

**COMES NOW**, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

1. Debtors filed this case on November 1, 2016. The case was confirmed by order of the Court on February 18, 2017. A modified plan was filed on October 31, 2018, which was approved by the Court on November 13, 2018.
2. Pursuant to the modified plan, Debtors are required to make plan payments of **\$3,000.00** per month. Debtors are presently delinquent in plan payments in the amount of **\$13,287.16**, supported by the Declaration filed herewith.
3. Debtors have defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan payments.

**WHEREFORE** the Trustee prays that this case be dismissed and closed.

**DATED** this 13th day of March, 2019 at Tacoma, Washington.

/s/ Matthew J.P. Johnson  
Matthew J.P. Johnson, WSBA# 40476 for  
Michael G. Malaier, Chapter 13 Trustee

Michael G. Malaier  
Chapter 13 Standing Trustee  
2122 Commerce Street  
Tacoma, WA 98402  
(253) 572-6600